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September 23, 2009

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**Via Hand Delivery**

Ms. Ann Cole  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32309

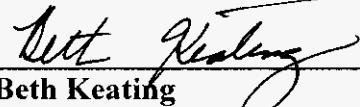
**Re: Docket No. 090004-GU: Natural Gas Conservation Cost Recovery**

Dear Ms. Cole:

Attached for filing in the above referenced Docket, please find Florida City Gas's Request for Confidential Classification of portions of its second supplemental response to the Audit Report issued for the Company in this Docket (Audit Control No.: 09-028-4-3), along with one highlighted and two redacted copies of the confidential information.

Thank you for your assistance. Should you have any questions, please do not hesitate to contact me.

FROM \_\_\_\_\_  
TO: 4  
BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
TIME: \_\_\_\_\_  
ASSN: \_\_\_\_\_  
CITY: \_\_\_\_\_

  
\_\_\_\_\_  
**Beth Keating**  
**AKERMAN SENTERFITT**  
106 East College Avenue, Suite 1200  
Tallahassee, FL 32302-1877  
Phone: (850) 224-9634  
Fax: (850) 222-0103

Enclosures  
cc: All Parties to the Docket

DOCUMENT NUMBER-DATE  
09844 SEP 23 09  
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Natural Gas Conservation )  
Cost Recovery )  
\_\_\_\_\_ )

Docket No: 090004-GU

Filed: September 23, 2009

**FLORIDA CITY GAS' REQUEST FOR CONFIDENTIAL CLASSIFICATION**

Florida City Gas ("City Gas" or "the Company"), pursuant to Section 366.093, Florida Statutes, and Rule 25-22.006, Florida Administrative Code, hereby submits this Request for Confidential Classification of the confidential portions of the attachment to its Second Supplemental Response to Audit Finding No.1; Audit Control No. 09-028-4-3 (cross-referenced PSC Document No. 09223-09), filed on September 3, 2009. This document contains confidential, customer proprietary information, including specific account information. Florida City Gas maintains this information as confidential information, and attests that it has not otherwise been publicly disclosed. In support of this request, Florida City Gas states:

1. Subsection 366.093(1), Florida Statutes, provides that upon request, records received by the Commission which are "found by the commission to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07(1)."

2. "Proprietary confidential business information" is defined as meaning "information, regardless of form or characteristics, which is owned or controlled by the ... company, is intended to be and is treated by the ... company as private in that the disclosure of the information would cause harm to the ratepayers or the company's business operations, and has not been disclosed unless disclosed pursuant to a

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statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public." Section 366.093(3), Florida Statutes.

3. Proprietary confidential business information includes, but is not limited to, information concerning:

- (a) Trade secrets.
- (b) Internal auditing controls and reports of internal auditors.
- (c) Security measures, systems, or procedures.
- (d) Information concerning bids or other contractual data, the disclosure of which would impair the efforts of the public utility or its affiliates to contract for goods or services on favorable terms.
- (e) Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.
- (f) Employee personnel information unrelated to compensation, duties, qualifications, or responsibilities.

Section 366.093(3), Florida Statutes.

4. The confidential portions of the information being provided to the Commission fall within these statutory definitions, and therefore constitute proprietary confidential business information entitled to protection under Section 366.093 and Rule 25-22.006.

5. Specifically, Florida City Gas seeks confidential treatment of the information on pages 1 and 2 of the document entitled "City Gas of Florida – ECP/C&C Rebates Report", in the columns labeled "G/L Account" and "Customer Name," as well as the information in the columns labeled "Descr," "ShortName," and "Customer Name"

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on all pages of the spreadsheet document titled "ECP Audit Support.xls". The information in these columns includes customer account specific information that, if revealed in the context of the other information revealed in the document, would divulge customer specific account information that has not previously been publicly disclosed. Disclosure of this information would impair Florida City Gas' relationship with its customers and likewise, harm its ratepayers.

6. Pursuant to Section 366.093(4), Florida Statutes, and Rule 25-22.006(9), Florida Administrative Code, Florida City Gas requests that the information described above as proprietary confidential business information be protected from disclosure for a period of at least 18 months and asks that all information be returned to the Company as soon as the information is no longer necessary for the Commission to conduct its business.

Respectfully submitted this 23rd day of September, 2009.

By:   
Beth Keating  
Akerman/Senterfitt, Attorneys at Law  
106 East College Ave., Suite 1200  
Tallahassee, FL 32301  
(850) 521-8002  
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beth.keating@akerman.com

*Attorneys for Florida City Gas*

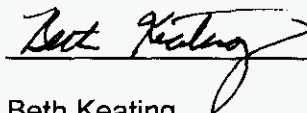
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of FLORIDA CITY GAS' REQUEST FOR CONFIDENTIAL CLASSIFICATION, has been furnished by U.S. Mail to the following parties of record this 23rd day of September, 2009:

|  |   |
|--|---|
| Florida Public Utilities Company<br>Marc Seagrave<br>P.O. Box 3395<br>West Palm Beach, FL 33402-3395 | MacFarlane Ferguson Law Firm<br>Ansley Watson, Jr.<br>P.O. Box 1531<br>Tampa, FL 33601-1531   |
| Messer Law Firm<br>Norman H. Horton, Jr.<br>P.O. Box 15579<br>Tallahassee, FL 32317                  | Office of Public Counsel<br>J.R. Kelly/Patricia Christensen<br>c/o The Florida Legislature<br>111 West Madison Street<br>Room 812<br>Tallahassee, FL 32399-1400 |
| Peoples Gas System<br>Paula Brown<br>P.O. Box 111<br>Tampa, FL 33601-0111                            | St. Joe Natural Gas Company, Inc.<br>Mr. Stuart L. Shoaf<br>P.O. Box 549<br>Port St. Joe, FL 32457-0549   |
| TECO Energy, Inc.<br>Matthew Costa<br>P.O. Box 111<br>Tampa, FL 33601-0111                           | AGL Resources Inc.<br>Elizabeth Wade/David Weaver<br>Ten Peachtree Place<br>Location 1470<br>Atlanta, GA 30309  |
| Florida City Gas<br>Melvin Williams<br>955 East 25 <sup>th</sup> Street<br>Hialeah, FL 33013-3498    | Katherine Fleming<br>Florida Public Service Commission<br>2540 Shumard Oak Boulevard<br>Tallahassee, FL 32399   |
|  |   |

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FCG Request for Confidential Treatment

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|--|--|
| Florida Division of Chesapeake<br>Utilities Corporation<br>Thomas A. Geoffroy<br>P.O. Box 960<br>Winter Haven, FL 33882-0960 | Indiantown Gas Company<br>Brian J. Powers<br>P.O. Box 8<br>Indiantown, FL 34956-0008               |
| Sebring Gas System, Inc.<br>Jerry H. Melendy, Jr.<br>3515 U.S. Highway 27 South<br>Sebring, FL 33870                         | Robert Scheffel Wright/ John T. LaVia<br>225 South Adams Street, Suit 200<br>Tallahassee, FL 32301 |



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STATE OF FLORIDA



OFFICE OF COMMISSION CLERK  
ANN COLE  
COMMISSION CLERK  
(850) 413-6770

**Public Service Commission**

**ACKNOWLEDGEMENT**

**DATE:** September 23, 2009

**TO:** Beth Keating, Akerman Law Firm

**FROM:** Ruth Nettles, Office of Commission Clerk

**RE:** Acknowledgement of Receipt of Confidential Filing

This will acknowledge receipt of a **CONFIDENTIAL DOCUMENT** filed in **Docket Number 090004** or, if filed in an undocketed matter, concerning supplemental response to Audit Control 09-028-4-3, and filed on behalf of Florida City Gas. The document will be maintained in locked storage.

If you have any questions regarding this document, please contact Marguerite Lockard, Deputy Clerk, at (850) 413-6770.

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